

ATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

Date of mailing (day/month/year)

27 January 2000 (27.01.00)

International application No.

PCT/AU99/00479

Applicant's or agent's file reference

40131697

International filing date (day/month/year)

17 June 1999 (17.06.99)

Priority date (day/month/year)

17 June 1998 (17.06.98)

Applicant

VAN SAARLOOS, Paul, Phillip

1. The designated Office is hereby notified of its election made:



in the demand filed with the International Preliminary Examining Authority on:

07 January 2000 (07.01.00)



in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was



was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

S. Mafla

Telephone No.: (41-22) 338.83.38

TENT COOPERATION TRE Y

PCT

NOTIFICATION OF THE RECORDING OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

NOONAN, Greg
Freehills Carter Smith & Beadle
101 Collins Street
Melbourne, VIC 3000
AUSTRALIE

| | |
|--|--|
| Date of mailing (day/month/year) 16 June 2000 (16.06.00) | |
| Applicant's or agent's file reference 40131697 | IMPORTANT NOTIFICATION |
| International application No. PCT/AU99/00479 | International filing date (day/month/year) 17 June 1999 (17.06.99) |

| | | |
|--|--|---------------------------|
| 1. The following indications appeared on record concerning: <input type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input checked="" type="checkbox"/> the agent <input type="checkbox"/> the common representative | | |
| Name and Address NOONAN, Greg Freehills Patent Attorneys Level 47 101 Collins Street Melbourne, VIC 3000 Australia | State of Nationality | State of Residence |
| | Telephone No. (03) 9288 1577 | |
| | Facsimile No. (03) 9288 1567 | |
| | Teleprinter No. | |
| 2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input checked="" type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence | | |
| Name and Address NOONAN, Greg Freehills Carter Smith & Beadle 101 Collins Street Melbourne, VIC 3000 Australia | State of Nationality | State of Residence |
| | Telephone No. 613-9288-1577 | |
| | Facsimile No. 613-9288-1567 | |
| | Teleprinter No. | |
| 3. Further observations, if necessary: | | |
| 4. A copy of this notification has been sent to: <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the International Preliminary Examining Authority </div> <div> <input type="checkbox"/> the designated Offices concerned <input checked="" type="checkbox"/> the elected Offices concerned <input type="checkbox"/> other: </div> </div> | | |

| | |
|--|---|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35 | Authorized officer Maria Victoria CORTIELLO Telephone No.: (41-22) 338.83.38 |
|--|---|

TENT COOPERATION TREX

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

NOONAN, Greg
Freehills Carter Smith & Beadle
101 Collins Street
Melbourne, VIC 3000
AUSTRALIE

Date of mailing (day/month/year)

18 December 2000 (18.12.00)

Applicant's or agent's file reference

40131697

IMPORTANT NOTIFICATION

International application No.

PCT/AU99/00479

International filing date (day/month/year)

17 June 1999 (17.06.99)

1. The following indications appeared on record concerning:



the applicant



the inventor



the agent



the common representative

Name and Address

VAN SAARLOOS, Paul, Phillip
14 Dunster Road
Karrinyup, W.A. 6018
Australia

State of Nationality

AU

State of Residence

AU

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:



the person



the name



the address



the nationality



the residence

Name and Address

VAN SAARLOOS, Paul, Phillip
14 Dunster Road
Karrinyup, W.A. 6018
Australia

State of Nationality

NZ

State of Residence

AU

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:



the receiving Office



the International Searching Authority



the International Preliminary Examining Authority



the designated Offices concerned



the elected Offices concerned



other:

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

A. Karkachi

Telephone No.: (41-22) 338.83.38

The demand must be filed directly with the competent International Preliminary Examining Authority. If two or more Authorities are competent, with the one chosen by the applicant. Full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ _____

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty and hereby elects all eligible States (except where otherwise indicated).

| | |
|---|--|
| For International Preliminary Examining Authority use only | |
| Identification of IPEA | Date of receipt of DEMAND |
| Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION | |
| International application No. PCT/AU99/00479 | International filing date (day/month/year) 17 June 1999 17/06/99 |
| Applicant's or agent's file reference (Earliest) Priority date (day/month/year) 17 June 1998 17/06/98 | |
| Title of invention Z Axis Tracker | |
| Box No. II APPLICANT(S) | |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) The Lions Eye Institute of Western Australia Incorporated 2nd Floor 2 Verdun Street Nedlands, Western Australia 6009 Australia | |
| Telephone No.: Facsimile No.: Teleprinter No.: | |
| State (that is, country) of nationality: Australia | State (that is, country) of residence: Australia |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) VAN SAARLOOS, Paul, Phillip 14 Dunster Road Karrinyup, Western Australia 6018 Australia | |
| State (that is, country) of nationality: New Zealand | State (that is, country) of residence: Australia |
| Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) | |
| State (that is, country) of nationality: | State (that is, country) of residence: |
| <input type="checkbox"/> Further applicants are indicated on a continuation sheet. | |

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The following person is ☒ agent ☐ common representative
 and ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.
☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.
☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.

Name and address: (Family name followed by given name; for a legal entity, full official designation.
 The address must include postal code and name of country.)

NOONAN, Greg
 CHERRY, James
 DI GIANTOMASSO, Frank
 CALLINAN, Keith
 JONES, Paul
 DAVY, John
 TULLOCH, Debra

Freehills Patent Attorneys
 Level 47
 101 Collins Street
 Melbourne, Victoria 3000
 AUSTRALIA

Telephone No.:

(613) 9288 1577

Facsimile No.:

(613) 9288 1567

Teleprinter No.:

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION**Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

☒ the international application as originally filed

the description ☐ as originally filed

☐ as amended under Article 34

the claims ☐ as originally filed

☐ as amended under Article 19 (together with any accompanying statement)

☐ as amended under Article 34

the drawings ☐ as originally filed

☐ as amended under Article 34

2. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.

3. ☐ The applicant wishes the start of the international preliminary examination to be postponed until the expiration of 20 months from the priority date unless the International Preliminary Examining Authority receives a copy of any amendments made under Article 19 or a notice from the applicant that he does not wish to make such amendments (Rule 69.1(d)). (This check-box may be marked only where the time limit under Article 19 has not yet expired.)

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: ENGLISH

☒ which is the language in which the international application was filed.

☐ which is the language of a translation furnished for the purposes of international search.

☐ which is the language of publication of the international application.

☐ which is the language of the translation (to be) furnished for the purposes of international preliminary application.

Box No. V ELECTION OF STATES

The applicant hereby elects all eligible States (that is, all States which have been designated and which are bound by Chapter II of the PCT)

excluding the following States which the applicant wishes not to elect:

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | | |
|----|---|---|--------|
| 1. | translation of international application | : | sheets |
| 2. | amendments under Article 34 | : | sheets |
| 3. | copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. | copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. | letter | : | sheets |
| 6. | other (<i>specify</i>) | : | sheets |

For International Preliminary Examining Authority use only

| | |
|----------|--------------|
| received | not received |
|----------|--------------|

| | |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | <input type="checkbox"/> |

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input type="checkbox"/> fee calculation sheet | 4. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> separate signed power of attorney | 5. <input type="checkbox"/> nucleotide and or amino acid sequence listing in computer readable form |
| 3. <input type="checkbox"/> copy of general power of attorney; reference number if any | 5. <input type="checkbox"/> other (<i>specify</i>): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).

.....
Greg Noonan, agent for and on behalf of the applicants

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- | | | |
|----|---|---|
| 1. | Date of actual receipt of DEMAND: | |
| 2. | Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b): | |
| 3. | <input type="checkbox"/> The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply. | <input type="checkbox"/> The applicant has been informed accordingly. |
| 4. | <input type="checkbox"/> The date of receipt of the demand is WITHIN the period of 19 months from the priority date as extended by virtue of Rule 80.5. | |
| 5. | <input type="checkbox"/> Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82. | |

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Demand received from IPEA on:

PCT REQUEST

40131697

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| | | |
|---------|---|---|
| 0 | For receiving Office use only | |
| 0-1 | International Application No. | |
| 0-2 | International Filing Date | |
| 0-3 | Name of receiving Office and "PCT International Application" | |
| 0-4 | Form - PCT/RO/101 PCT Request | |
| 0-4-1 | Prepared using | PCT-EASY Version 2.84 (updated 01.06.1999) |
| 0-5 | Petition The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty | |
| 0-6 | Receiving Office (specified by the applicant) | Australian Patent Office (RO/AU) |
| 0-7 | Applicant's or agent's file reference | 40131697 |
| I | Title of invention | Z AXIS TRACKER |
| II | Applicant | |
| II-1 | This person is: | applicant only |
| II-2 | Applicant for | all designated States except US |
| II-4 | Name | THE LIONS EYE INSTITUTE OF WESTERN AUSTRALIA INCORPORATED |
| II-5 | Address: | 2nd Floor 2 Verdun Street Nedlands, Western Australia 6009 Australia |
| II-6 | State of nationality | AU |
| II-7 | State of residence | AU |
| III-1 | Applicant and/or inventor | |
| III-1-1 | This person is: | applicant and inventor |
| III-1-2 | Applicant for | US only |
| III-1-4 | Name (LAST, First) | VAN SAARLOOS, Paul, Phillip |
| III-1-5 | Address: | 14 Dunster Road Karrinyup, Western Australia 6018 Australia |
| III-1-6 | State of nationality | AU |
| III-1-7 | State of residence | AU |

| | | |
|--------|--|---|
| IV-1 | Agent or common representative; or address for correspondence The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: | agent |
| IV-1-1 | Name | FREEHILLS PATENT ATTORNEYS |
| IV-1-2 | Address: | NOONAN, Greg CALLINAN, Keith CHERRY, James JONES, Paul Level 47 101 Collins Street Melbourne, Victoria 3000 Australia |
| IV-1-3 | Telephone No. | (03) 9288 1577 |
| IV-1-4 | Facsimile No. | (03) 9288 1567 |
| V | Designation of States | |
| V-1 | Regional Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned) | AP: GH GM KE LS MW SD SL SZ UG ZW and any other State which is a Contracting State of the Harare Protocol and of the PCT EA: AM AZ BY KG KZ MD RU TJ TM and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT EP: AT BE CH&LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE and any other State which is a Contracting State of the European Patent Convention and of the PCT OA: BF BJ CF CG CI CM GA GN GW ML MR NE SN TD TG and any other State which is a member State of OAPI and a Contracting State of the PCT |
| V-2 | National Patent (other kinds of protection or treatment, if any, are specified between parentheses after the designation(s) concerned) | AE AL AM AT AU AZ BA BB BG BR BY CA CH&LI CN CU CZ DE DK EE ES FI GB GD GE GH GM HR HU ID IL IN IS JP KE KG KP KR KZ LC LK LR LS LT LU LV MD MG MK MN MW MX NO NZ PL PT RO RU SD SE SG SI SK SL TJ TM TR TT UA UG US UZ VN YU ZA ZW |

PCT REQUEST

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40131697

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| | | |
|---------|---|-----------------------------------|
| V-5 | Precautionary Designation Statement In addition to the designations made under items V-1, V-2 and V-3, the applicant also makes under Rule 4.9(b) all designations which would be permitted under the PCT except any designation(s) of the State(s) indicated under item V-6 below. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. | |
| V-6 | Exclusion(s) from precautionary designations | NONE |
| VI-1 | Priority claim of earlier national application | |
| VI-1-1 | Filing date | 17 June 1998 (17.06.1998) |
| VI-1-2 | Number | PP4202 |
| VI-1-3 | Country | AU |
| VI-2 | Priority document request The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) identified above as item(s): | VI-1 |
| VII-1 | International Searching Authority Chosen | Australian Patent Office (ISA/AU) |
| VIII | Check list | |
| VIII-1 | Request | number of sheets 4 |
| VIII-2 | Description | electronic file(s) attached - |
| VIII-3 | Claims | 10 - |
| VIII-4 | Abstract | 7 - |
| VIII-5 | Drawings | 1 91680111.txt |
| VIII-7 | TOTAL | 23 - |
| VIII-8 | Accompanying Items | |
| VIII-8 | Fee calculation sheet | paper document(s) attached ✓ |
| VIII-10 | Copy of general power of attorney | electronic file(s) attached - |
| VIII-16 | PCT-EASY diskette | - diskette |
| VIII-18 | Figure of the drawings which should accompany the abstract | 1 |
| VIII-19 | Language of filing of the international application | English |
| IX-1 | Signature of applicant or agent | |
| IX-1-1 | Name | FREEHILLS PATENT ATTORNEYS |
| IX-1-2 | Name of signatory | NOONAN, Greg |

PCT REQUEST

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40131697

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| | | |
|--------|---|--------|
| 10-1 | Date of actual receipt of the purported international application | |
| 10-2 | Drawings: | |
| 10-2-1 | Received | |
| 10-2-2 | Not received | |
| 10-3 | Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application | |
| 10-4 | Date of timely receipt of the required corrections under PCT Article 11(2) | |
| 10-5 | International Searching Authority | ISA/AU |
| 10-6 | Transmittal of search copy delayed until search fee is paid | |

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| | | |
|------|--|--|
| 11-1 | Date of receipt of the record copy by the International Bureau | |
|------|--|--|

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

| | | |
|--|--|--|
| Applicant's or agent's file reference GJN:RLM:JLM 40131697 | FOR FURTHER ACTION | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416). |
| International application No. PCT/AU99/00479 | International filing date (<i>day/month/year</i>) 17 June 1999 | Priority Date (<i>day/month/year</i>) 17 June 1998 |
| International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61F 9/007, G01S 17/08, A61N 5/06 | | |
| Applicant THE LIONS EYE INSTITUTE OF WESTERN AUSTRALIA INCORPORATED et al | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|-------------------------------------|---------------------|----|--------------------------|----------|-----|--------------------------|--|----|--------------------------|----------------------------|---|-------------------------------------|---|----|--------------------------|-------------------------|-----|--------------------------|--|------|--------------------------|---|
| 1. | This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | This REPORT consists of a total of 3 sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheet(s). | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. This report contains indications relating to the following items: <table style="width: 100%; border: none;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td> <td>Basis of the report</td> </tr> <tr> <td>II</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td>IV</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td style="text-align: center;"><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table> | | I | <input checked="" type="checkbox"/> | Basis of the report | II | <input type="checkbox"/> | Priority | III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | IV | <input type="checkbox"/> | Lack of unity of invention | V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | VI | <input type="checkbox"/> | Certain documents cited | VII | <input type="checkbox"/> | Certain defects in the international application | VIII | <input type="checkbox"/> | Certain observations on the international application |
| I | <input checked="" type="checkbox"/> | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| II | <input type="checkbox"/> | Priority | | | | | | | | | | | | | | | | | | | | | | | |
| III | <input type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| IV | <input type="checkbox"/> | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| VI | <input type="checkbox"/> | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| VII | <input type="checkbox"/> | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| VIII | <input type="checkbox"/> | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|--|---|
| Date of submission of the demand 7 January 2000 | Date of completion of the report 19 June 2000 |
| Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929 | Authorized Officer COLIN FITZGIBBON Telephone No. (02) 6283 2226 |

Parts of the report

With regard to the elements of the international application:*

App. ☐

the description,

pages , as originally filed,

pages , filed with the demand,

pages , received on with the letter of

☐

the claims,

pages , as originally filed,

pages , as amended (together with any statement) under Article 19,

pages , filed with the demand,

pages , received on with the letter of

☐

the drawings,

pages , as originally filed,

pages , filed with the demand,

pages , received on with the letter of

☐

the sequence listing part of the description:

pages , as originally filed

pages , filed with the demand

pages , received on with the letter of

2.

With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language which is:

☐

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐

the language of publication of the international application (under Rule 48.3(b)).

☐

the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3.

With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

☐

contained in the international application in written form.

☐

filed together with the international application in computer readable form.

☐

furnished subsequently to this Authority in written form.

☐

furnished subsequently to this Authority in computer readable form.

☐

The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐

The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4.

☐

The amendments have resulted in the cancellation of:

☐

the description, pages

☐

the claims, Nos.

☐

the drawings, sheets/fig.

5.

☐

This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

*

Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**

Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|----------------|-----|
| Novelty (N) | Claims 1 to 45 | YES |
| | Claims | NO |
| Inventive step (IS) | Claims 1 to 45 | YES |
| | Claims | NO |
| Industrial applicability (IA) | Claims 1 to 45 | YES |
| | Claims | NO |

2. Citations and explanations (Rule 70.7)

Claims 1 to 45 The invention of the claims is a method and apparatus for tracking the position of an object surface, including generating an interference signal between a primary beam reflected from the object surface and a reference beam, scanning a reference surface in the path of the reference beam about a position at which the interference signal is generated, the position thereby indicative of the position of the object surface, and controlling the position of the reference surface to maintain a predetermined point in the range of the scanning at the indicative position.

No individual citation or obvious combination of citations discloses controlling the position of the reference surface to maintain a predetermined point in the range of the scanning at the indicative position.

The closest art of US 5644642 (Kirschbaum) and US 5465147 (Swanson) disclose methods of optical coherence tomography (OCT), but there is no disclosure of controlling the reference surface as defined in the present application.

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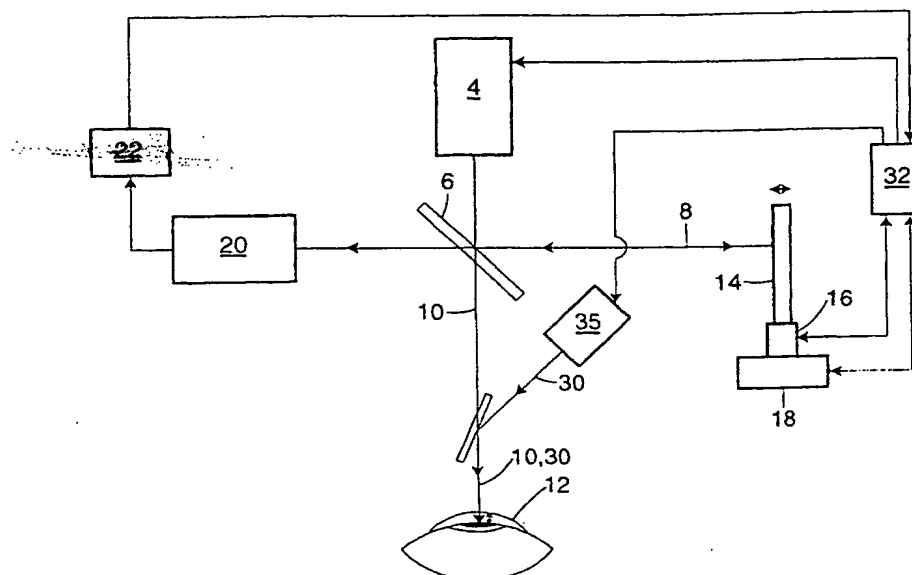
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(54) Title: Z AXIS TRACKER



(57) Abstract

A method of tracking the position of an object surface (12) includes generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam (10) reflected or scattered from the object surface (12) and a reference beam (8). A reference surface (14) in the path of said reference beam (8) is scanned about a position at which the interference signal is generated, which position is thereby indicative of the position of the object surface (12). In one aspect, the position of the reference surface (14) is controlled (16, 18) to maintain a predetermined point in the range of the scanning at the indicative position.

Z AXIS TRACKER

The Field of the Invention

The present invention relates to a method and apparatus for tracking the position of an object surface. The invention is especially useful in the accurate placement of a laser's focal point during surgical laser procedures, of application - for example - in operations involving intrastromal ablation of the cornea, in the refractive correction of the eye, and in phacoemulsification procedures, where the lens of the eye is liquefied for easy removal. The invention will be described in terms of these applications, but is not restricted thereto. For example, it will be understood that the present invention may be applied to other medical laser procedures in which depth tracking is required.

Background Art

Intrastromal Photorefractive Keratectomy (intrastromal PRK or IPRK), also known as intrastromal ablation, involves focusing a short pulsed (< 50 ns), near infrared or visible laser to a point inside the cornea. Unlike the excimer laser, short-pulsed visible and near infra-red lasers are not absorbed highly enough by biological tissue to cause photodissociation or "ablation". Instead, the mechanism of tissue removal involves plasma-mediated photodisruption, with the development of cavitation bubbles and shock waves beneath the laser's target zone. If a sufficient energy density is reached inside the tissue, optical breakdown occurs and a small volume of tissue at the laser's focal point is vaporised.

A number of studies have been conducted into the feasibility of using intrastromal PRK for correcting refractive errors of the eye (see for example Habib et al, "Myopic Intrastromal Photorefractive Keratectomy with the Neodymium - Yttrium Lithium Fluoride Picosecond Laser in the Cat Cornea", Archives of Ophthalmology (1995) 113:499-505 or Hoi et al, "Picosecond Laser in situ Keratomileusis with a 1053-nm Nd:YLF Laser", Journal of Refractive Surgery

(1996) 12:721-728. Intrastromal PRK leaves the corneal epithelium and endothelium intact, preventing potential complications such as infection, and facilitating wound healing. Tissue effects appear confined to the cornea's stromal area, with small thermal damage zones and the appearance of normal collagenous stroma by six months post-surgery, with the use of the ultrashort Nd:YLF laser in cat cornea (Habib, Speaker, Kaiser & Juhasz (1995)). Intrastromal PRK may therefore have the ability to provide a more predictable refractive outcome, with the prospect of fewer complications than may occur with conventional techniques. US Patent 5,112,328 describes a method and apparatus for applications involving intrastromal corneal ablation.

It has been suggested that the intrastromal technique can be used to remove an appropriate volume of tissue, to effect refractive correction in a similar fashion to those achieved in Laser-in-situ-Keratomileusis (LASIK) procedures, without the necessity of creating a flap, or to cut the flap during LASIK operations. The current microkeratomes used in refractive surgery such as LASIK are mechanical devices that have significant potential to malfunction, sometimes causing serious damage to a patient's eye. Using intrastromal ablation to create the flap in LASIK may be much easier than trying to use intrastromal ablation to effect a refractive change. The intrastromal flap has the potential to make LASIK a safer and simpler procedure to perform, without having to rely on the use of mechanical devices.

Although there may be significant advantages in using intrastromal ablation for procedures such as refractive laser surgery, the practical difficulties of aiming each laser pulse onto the correct location within the cornea has meant that IPRK is not yet routinely performed. In living eyes, the need to deposit each laser pulse in the correct spot places stringent requirements on tracking the eye not only in the horizontal and vertical directions but also in a longitudinal direction away from or towards the laser source (known as and referred to below as the "Z" direction). Techniques with the appropriate resolution to accurately track eyes undergoing

surgery in the Z direction have not yet been fully developed.

US Patent 5,162,641 describes an eye tracking system, based on the principle of confocal microscopy, for measuring depth movement in eye tissue during laser surgery. This invention uses an illuminating light, a pinhole and a
5 detector, located behind the optics of a laser system, to monitor the depth of a reflection along the optical axis. The system is arranged so that the maximum intensity of light reflected from the eye is directed onto the detector unit. The eye tracker focuses on an anterior reflective surface, such as the corneal tear layer, or a similar reference point with a known relationship to the target of the laser beam,
10 and not necessarily on the target itself. When the tissue in the laser beam's focus moves, signals from the photodetector/pinhole arrangement decrease. These signal changes are then used to drive the optics of the laser system to compensate for the tissue movement, thereby moving the objective lens and repositioning the laser's focus. Focus monitoring may also be achieved by
15 dithering the pinhole/photodetector unit to determine the direction in which signal increase occurs.

US Patent 5,336,215 (Intelligent Surgical Lasers) teaches an eye stabilising mechanism for use with a computer controlled ophthalmic laser system, specifically for use in intrastromal PRK or phacoemulsification procedures. This
20 laser delivery system employs suction to immobilise the eye. A contact lens with limbal suction eliminates the need for a non-contact eye tracking device. A moveable objective lens controls the position of the laser's focal point through the various tissues of the eye in the X and Y or Z directions. Nevertheless, devices such as the one described above are not ideal for use in intrastromal ablation
25 procedures: they have the potential to raise intra-ocular pressure, deform the shape of the eyeball and cause discomfort to the patient. The contact lens must also be made to conform to the individual patient's corneal topography. In addition, the reliance on suction to hold a device on the eye is one of the main reasons why current microkeratomes cause complications.

A general technique that can be used to measure surface topography is optical coherence tomography (OCT), also known as short coherence length interferometry. OCT usually involves splitting light from a low coherence light source (such as a superluminescent diode) and transmitting part of that light to the object of interest (for example, a cornea) and the rest to a reference surface (for example, a flat mirror). The light is then combined again at a detector. Only when the distance to the reference surface matches the distance to the object of interest do the light beams from the two paths interfere with each other to form intensity variations at the detector. The reference surface is usually scanned backwards and forwards so the intensity variations at the detector form a signal that is easily detected using electronic filters.

US Patent 5,465,147 describes a general OCT-based system and technique for acquiring a digital image of a region of an object using a CCD array as a detector to image the interference pattern. In this case, a reference scatterer is employed rather than a flat mirror and this scatterer is moved towards and away from the beamsplitter in a predetermined pattern to generate a detectable variable interference signal. It is also suggested that the scatterer be vibrated or dithered back and forth about a single depth point at a predetermined frequency in order to provide a series of two dimensional images in the transverse direction at that single depth point.

US Patent 5,644,642 teaches a gaze tracking device that employs OCT. This device uses measured height information of the features of the eye to improve the accuracy of tracking the eye in the X and Y directions. An optical fibre is used to transmit radiation which has a short temporal coherence length and is substantially spatially coherent, onto a scanning reference mechanism, which causes a focal spot of radiation to scan the plane of the pupil transversely across the pupil/iris boundary. A raster pattern or a coarse scan pattern featuring a grid of points is employed and information is collected at each point on the grid. Radiation reflected from the eye interferes with that coming from the reference

path, which has a known path length that may be varied intermittently. Output from the OCT device is then generated when the path length of the reflected radiation is equal to the reference path length. An identifiable signal is produced when the scan crosses the pupil/iris border, enabling the determination of depth information. A computer examines the position at which a change in depth exceeds a predetermined amount. Spatial coordinates are then used in conjunction with geometric equations to determine the pupil border and pupil centre.

Other ophthalmologic applications of OCT are noted in US patent 5491524, including the imaging of intraocular structures for determining a variety of measurements of the cornea, iris, crystalline lens and anterior chamber. The patent proposes an OCT corneal mapping apparatus that utilises a rotating helical reference mirror to generate a periodic variation of the detected interference signal. The height of the helical surface is set so that the depth scan provided by the optical path length variation of the reference arm of the interferometer setup is of the order of the corneal thickness, thereby reducing the scan volume and the data acquisition time. In a particular embodiment, a signal peak is detected in order to determine the depth of a particular corneal structure and successive such peaks are utilised to track the reference path retroreflector with the curve and shape of the cornea.

OCT thus provides an inexpensive, non-contact and non-invasive method of determining depth points within the eye. However, OCT apparatus of the prior art typically scan a reference surface around the full range of possible signals from above and below the corneal surface to the interior of the eye, as well as scanning in X, Y directions, which is not highly effective as a tracking technique. Moreover, OCT has not been proposed as a mechanism for accurate tracking during eye surgical procedures, probably because it would be viewed as too slow for this application.

It is therefore an object of the present invention to provide an improved

tracking method and apparatus that can track the movement of an object in the axial or Z direction and is preferably useful for this purpose in eye surgical procedures.

Summary of the Invention

5 The invention generally provides a method for tracking the position of an object surface, including generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam reflected or scattered from the object surface and a reference beam. A reference surface in the path of the reference beam is scanned about a position at which the
10 interference signal is generated, which position is thereby indicative of the position of the object surface. In one aspect of the invention, the position of the reference surface is controlled to maintain a predetermined point in the range of the scanning at the indicative position. In another aspect, the interference signal is modulated with a characteristic predetermined repetitive variation.

15 The invention also provides apparatus for tracking the position of an object surface, including interferometer means for generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam reflected or scattered from the object and a reference beam. A reference surface is disposed in the path of the reference beam, and the
20 apparatus further includes means for scanning the reference surface about a position at which the interference signal is generated, which position is thereby indicative of the position of the object surface. In one aspect, there is means for controlling the position of the reference surface to maintain a predetermined point in the range of the scanning at the indicative position.

25 In the other aspect, there is means to modulate the interference signal with a characteristic predetermined repetitive variation.

The reference surface preferably comprises reflection or scattering means.

Advantageously, the modulation is effected by additionally dithering the position of the reference surface.

Preferably, the control of the position of the reference surface is effected by dithering the reference surface about a location at which a peak interference
5 signal is detected, and maintaining said predetermined point at the indicative position in response to the peak interference signal.

In an advantageous application the object is the cornea or iris of an eye.

The invention also provides a method of performing a surgical procedure at a sequence of points in tissue, wherein the correct location of the points is
10 maintained by tracking the position of a related object surface according to the above described method. The surgical procedure may be a surgical laser procedure in which a laser beam is focused successively at the points in the tissue. The surgical procedure may comprise one or more of intrastromal photorefractive keratectomy, Laser-in-situ-Keratomileusis procedures or laser
15 optical breakdown in phacoemulsification.

Preferably said ophthalmic laser surgery includes IPRK, cutting the flap in LASIK procedures, or phacoemulsification procedures.

Preferably said ophthalmic laser surgery includes optical breakdown caused by a short laser pulse within the tissue of the eye.

20 **Brief Description of the Drawing**

The invention will be further described by way of example only, with reference to the accompanying drawing, which is a schematic representation of OCT Z-axis eye tracking apparatus according to a preferred embodiment of the present invention, arranged for controlling the targeting of a laser beam being
25 employed for performing a surgical procedure in the subject eye.

Description of Preferred Embodiments

In the illustrated OCT tracking apparatus, a beam of light 2, of short temporal coherence and produced by light source 4, is directed through beam-splitter 6. Light source 4 is suitably a superluminescent diode, producing a beam of visible or near infrared light. Beamsplitter 6 splits the beam into a reflected reference beam 8 and a transmitted primary beam 10. The primary beam 10 is directed onto an appropriate surface 12 of the eye to be treated, eg the front surface of the cornea, while the reference beam 8 is directed onto a reflective reference surface in the form of a flat mirror 14. Mirror 14 is scanned backwards and forwards in the direction of the reference beam 8 by means of scanning mechanism 15 which has a primary scanner 18 and a secondary dither scanner 16.

Light reflected from the mirror 14 interferes with reflected light from the corneal surface 12 and produces a characteristic interference signal detectable at and by photo-detector 20, as reference mirror 14 is oscillated by primary scanner 18.

The position of mirror 14 is scanned or oscillated to vary the path length of reference beam 8: when the total path lengths of the primary and reference beams are equal, the output signal from detector 20 (and transmitted to filter 22) reaches a maximum intensity. Thus, the intensity of the electronic signal sent to filter 22 is dependent on the position of the reflecting corneal surface 12 and therefore on the depth of the point of interest within the cornea at which a treatment laser beam 30 is to be focused for effecting intrastromal PRK. The detected signal may be analysed with respect to the position of mirror 14 to determine the signal peak that coincides with the position of the surface 12.

Mirror 14 is not necessarily an optical surface, or of optical quality, and is advantageously such that the reflected signals at beamsplitter 6 are of a similar order of magnitude. For example, a typical detected magnitude for the return

signal for a cornea might be around 4% of the incident signal, and this should preferably be matched in the interfering reflected reference signal.

For more efficient and accurate tracking, secondary dither scanner 15 is provided to dither mirror 14 about a position previously determined with scanner 18 that corresponds to the surface 12, and the detected peak interference signal is used to drive an offset to the position of the scanner 16 by scanner 18 to keep the reflecting surface of mirror 14 in the middle of the dithered range. The dither scanner 16 introduces a characteristic predetermined repetitive variation in the detected interference signal that can be filtered for efficient tracking. The presence of this modulation of the interference signal optimises the speed and accuracy of the tracking by allowing extraction of the surface position with less problems with noise. For example, phase sensitive detection might be advantageously employed.

The nature of scanners 14, 126 is not critical to the invention, and a suitable choice is readily made by those skilled in the art from a wide variety of options. One approach of interest for either or both scanners is a spinning cam, in which the reference surface is a cylindrical surface oscillated in the optical path by an eccentric rotating cam driven by an adjacent motor.

A controller 32 manages the tracking apparatus, interpreting the filtered detector signal, detecting the peak interference signal, and controlling both of the scanners 16, 18, and is linked to a surgical laser system 35 that generates treatment beam 30 so that the beam 30 may be targeted to successive points inside the cornea in response to the tracking of the corneal surface. The form and structure of controller 32 and of its circuits and firmware will be readily apparent to those skilled in the art of tracking and control instrumentation.

By means of suitable optics, beam 30 is typically delivered to the eye on a common optical axis with primary tracking beam 10: it will of course be understood that the configuration of optical components may be very different from that

illustrated, which is intended only as a simplified optical diagram for the purpose of explaining the concepts of the invention.

The illustrated configuration enables the precise tracking of surfaces within the eye, in real time and high resolution. The apparatus scans mirror 14 only
5 about a position corresponding to the peak of the electronic signal from filter 22. The scanning range is equal to approximately ± 1 to ± 10 microns around the surface of the cornea. This configuration is therefore capable of giving a very sensitive depth measurement in the Z direction (towards the eye) with a fast response time. The preferred use of the second dithered scanner contributes to
10 the fast response and therefore contributes to overcoming the traditional expectation; noted earlier, that OCT is too slow for the present application. During surgical procedures, a controller interprets the signals and send instructions to a surgical laser system to adjust the focal point of the laser according to movements of the patient's eye.

15 The OCT method and apparatus according to the present invention can provide information regarding the axial position of the cornea, enabling an ablative laser to be accurately focused on a spot within the cornea during operations such as intrastromal ablation or cutting the flap during LASIK. However, even with Z-axis tracking, eye movements in the X and Y directions can still affect the
20 placement of the laser beam. A second preferred embodiment of the present invention (not illustrated), therefore includes gaze tracking apparatus capable of tracking transverse eye movements. Any suitable means of horizontal and vertical eye tracking may be employed to detect alterations in the coordinates of the centre of the pupil, which indicate that horizontal or vertical eye movements have
25 occurred. Adjustments in the laser's focal point can therefore be made in any direction, according to movements of the patient's eye.

Optional infrared lights may be included to track eye gaze in the horizontal and vertical directions.

Claims

- 1 A method for tracking the position of an object surface, including generating
an interference signal between light beams of short temporal coherence
length respectively comprising a primary beam reflected or scattered from
5 the object surface and a reference beam, scanning a reference surface in
the path of said reference beam about a position at which said interference
signal is generated, which position is thereby indicative of the position of
the object surface, and controlling said position of said reference surface to
maintain a predetermined point in the range of said scanning at the
10 indicative position.
- 2 A method according to claim 1 wherein said light beams of short temporal
coherence length are derived by splitting a single initial beam.
- 3 A method according to claim 2 wherein said splitting is effected at a
beamsplitter at which the interference signal is formed by return of said light
15 beams.
- 4 A method according to claim 1, 2 or 3 wherein said reference surface
comprises reflection or scattering means.
- 5 A method according to any preceding claim further including modulating
said interference signal with a characteristic predetermined repetitive
20 variation.
- 6 A method according to claim 5 wherein said modulation is effected by
additionally dithering the position of the reference surface.
- 7 A method according to any preceding claim wherein said control of said
position of the reference surface is effected by dithering the reference
25 surface about a location at which a peak interference signal is detected,

and maintaining said predetermined point at the indicative position in response to said peak interference signal.

- 8 A method according to any preceding claim wherein said object is the cornea or iris of an eye.
- 5 9 A method of performing a surgical procedure at a sequence of points in tissue, wherein the correct location of said points is maintained by tracking the position of a related object surface according to any one of claims 1 to 8.
- 10 10 A method according to claim 9 wherein said surgical procedure is a surgical laser procedure in which a laser beam is focused successively at said points in the tissue.
- 11 11 A method according to claim 10 wherein said surgical procedure comprises one or more of intrastromal photorefractive keratectomy, Laser-in-situ-Keratomileusis procedures or laser optical breakdown in phacoemulsification.
- 15 12 A method for tracking the position of an object surface, including generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam reflected or scattered from the object surface and a reference beam, scanning a reference surface in the path of said reference beam about a position at which said interference signal is generated, which position is thereby indicative of the position of the object surface, and modulating said interference signal with a characteristic predetermined repetitive variation.
- 20 13 A method according to claim 12 wherein said modulation is effected by additionally dithering the position of the reference surface.
- 25

- 14 A method according to claim 12 or 13 wherein said light beams of short temporal coherence length are derived by splitting a single initial beam.
- 15 A method according to claim 14 wherein said splitting is effected at a beamsplitter at which the interference signal is formed by return of said light beams.
- 5
- 16 A method according to any one of claims 12 to 15 wherein said reference surface comprises reflection or scattering means.
- 17 A method according to any one of claims 12 to 16 wherein said object is the cornea or iris of an eye.
- 10 18 A method of performing a surgical procedure at a sequence of points in tissue, wherein the correct location of said points is maintained by tracking the position of a related object surface according to any one of claims 12 to 17.
- 15 19 A method according to claim 18 wherein said surgical procedure is a surgical laser procedure in which a laser beam is focused successively at said points in the tissue.
- 20 20 A method according to claim 19 wherein said surgical procedure comprises one or more of intrastromal photorefractive keratectomy, Laser-in-situ-Keratomileusis procedures or laser optical breakdown in phacoemulsification.
- 20
- 21 Apparatus for tracking the position of an object surface, including:
- interferometer means for generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam reflected or scattered from the object and a reference beam;

a reference surface in the path of said reference beam;

means for scanning said reference surface about a position at which said interference signal is generated, which position is thereby indicative of the position of the object surface; and

5 means for controlling said position of said reference surface to maintain a predetermined point in the range of said scanning at the indicative position.

22 Apparatus according to claim 21 wherein said interferometer means includes a source of an initial beam and means for deriving said light beams of short temporal coherence length by splitting said initial beam.

10 23 Apparatus according to claim 22 wherein said source is a superluminescent diode.

24 Apparatus according to claims 22 and 23 wherein said interferometer means further includes a beamsplitter for effecting said splitting and at which the interference signal is formed by returned of said light beams.

15 25 Apparatus according to any one of claims 21 to 24 wherein said reference surface comprises reflection or scattering means.

26 Apparatus according to any one of claims 21 to 25 further including means to modulate said interference signal with a characteristic predetermined repetitive variation.

20 27 Apparatus according to claim 26 wherein said modulation means includes means to additionally dither the position of said reference surface.

28 Apparatus according to any one of claims 21 to 27 wherein said controlling means includes means to dither said reference surface about a location at

which a peak interference signal is detected, and to maintain said predetermined point at the indicative position response to said peak interference signal.

- 29 Apparatus according to any one of claims 21 to 28 configured for tracking
5 the position of the surface of the cornea or iris of an eye.
- 30 Surgical apparatus for performing a surgical procedure at a sequence of points in tissue, including tracking apparatus according to any one of claims 21 to 29 for maintaining the correct location of said points by tracking the position of a related object surface.
- 10 31 Apparatus according to claim 30 wherein said surgical procedure is a surgical laser procedure and said apparatus includes a source of a laser beam and means to focus the laser beam successively at said points in the tissue.
- 15 32 Apparatus according to any one of claims 21 to 31 wherein said scanning means comprises one or more of resonant, piezo or galvanometer scanning means.
- 33 An apparatus according to any one of claims 21 to 32 wherein said detecting means includes a silicon diode detector.
- 34 Apparatus for tracking the position of an object surface, including:
- 20 interferometer means for generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam reflected or scattered from the object and a reference beam;
- a reference surface in the path of said reference beam;

means for scanning said reference surface about a position at which said interference signal is generated, which position is thereby indicative of the position of the object surface; and

5 means to modulate said interference signal with a characteristic predetermined repetitive variation.

35 Apparatus according to claim 34 wherein said modulation means includes means to additionally dither the position of said reference surface.

36 Apparatus according to claim 34 or 35 wherein said interferometer means includes a source of an initial beam and means for deriving said light
10 beams of short temporal coherence length by splitting said initial beam.

37 Apparatus according to claim 36 wherein said source is a superluminescent diode.

38 Apparatus according to claims 36 and 37 wherein said interferometer means further includes a beamsplitter for effecting said splitting and at
15 which the interference signal is formed by returned of said light beams.

39 Apparatus according to any one of claims 34 to 38 wherein said reference surface comprises reflection or scattering means.

40 Apparatus according to any one of claims 34 to 39 wherein said controlling means includes means to dither said reference surface about a location at
20 which a peak interference signal is detected, and to maintain said predetermined point at the indicative position response to said peak interference signal.

41 Apparatus according to any one of claims 34 to 40 configured for tracking the position of the surface of the cornea or iris of an eye.

- 42 Surgical apparatus for performing a surgical procedure at a sequence of points in tissue, including tracking apparatus according to any one of claims 34 to 41 for maintaining the correct location of said points by tracking the position of a related object surface.
- 5 43 Apparatus according to claim 42 wherein said surgical procedure is a surgical laser procedure and said apparatus includes a source of a laser beam and means to focus the laser beam successively at said points in the tissue.
- 10 44 Apparatus according to any one of claims 34 to 43 wherein said scanning means comprises one or more of resonant, piezo or galvanometer scanning means.
- 45 An apparatus according to any one of claims 34 to 44 wherein said detecting means includes a silicon diode detector.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | |
|---|---|
| Applicant's or agent's file reference GJN:PMI 40131697 | <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">FOR FURTHER ACTION</div> <div>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</div> </div> |
| International application No. PCT/AU 99/00479 | <div style="display: flex; justify-content: space-between;"> <div>International filing date (<i>day/month/year</i>) 17 June 1999</div> <div>(Earliest) Priority Date (<i>day/month/year</i>) 17 June 1998</div> </div> |
| Applicant (1) THE LIONS EYE INSTITUTE OF WESTERN AUSTRALIA INCORPORATED and (2) VAN SARLOOS, Paul Phillip | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
2. ☐ **Certain claims were found unsearchable** (See Box I).
3. ☐ **Unity of invention is lacking** (See Box II).
4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.
☐ the text has been established by this Authority to read as follows:
5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant
☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. The figure of the drawings to be published with the abstract is Figure No. 1

☒ as suggested by the applicant.
☐ because the applicant failed to suggest a figure
☐ because this figure better characterizes the invention

☐ None of the figures

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

A method of tracking the position of an object surface (12) includes generating an interference signal between light beams of short temporal coherence length respectively comprising a primary beam (10) reflected or scattered from the object surface (12) and a reference beam (8). A reference surface (14) in the path of said reference beam (8) is scanned about a position at which the interference signal is generated, which position is thereby indicative of the position of the object surface (12). In one aspect, the position of the reference surface (14) is controlled (16, 18) to maintain a predetermined point in the range of the scanning at the indicative position.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/00479

A. CLASSIFICATION OF SUBJECT MATTERInt Cl⁶: A61F 9/007, G01S 17/08, A61N 5/06

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

KEYWORD SEARCH

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

DERWENT: track:, scan:, locat:, light:, beam:, wave:, interferenc:, reflect:, scatter:, primary, referenc:, split:, dual

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|---|---|
| X | US 5644642 A (KIRSCHBAUM) 1 July 1997 Column 3, lines 10 to 48, Column 4, lines 56 to 67 and Figures 1 and 4 | 1-5, 8-17, 21-26, 29-30, 33-39, 41-42, 45 |
| X | US 5465147 A (SWANSON) 7 November 1995 Column 2, line 57 to Column 7, line 40 and Figure 2 | 1-7, 12-16, 21-28, 34-40 |
| A | US 5162641 A (FOUNTAIN) 10 November 1992 | 1 to 45 |

☒ Further documents are listed in the continuation of Box C☒ See patent family annex

| | |
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Date of the actual completion of the international search
12 August 1999Date of mailing of the international search report
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 99/00479

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

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|-----------|--|-----------------------|
| A | CA 981444 (DUFFIELD et al) 13 January 1976 | 1 to 45 |

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No.
PCT/AU 99/00479

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

| Patent Document Cited in Search Report | | | | Patent Family Member | | | |
|--|---------|----|----------|----------------------|----------|----|----------|
| US | 5465147 | DE | 69227902 | EP | 581871 | WO | 92/19930 |
| US | 5162641 | AU | 14444/92 | CA | 2104380 | EP | 572527 |
| | | JP | 65/05657 | WO | 92/15034 | | |
| CA | 981444 | DE | 2324502 | FR | 2184829 | GB | 1428813 |

END OF ANNEX